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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 99,089)

the Application of: )  
)  
Mark O. Vogel )  
)  
Serial No.: 09/318,460 ) Group Art Unit 2666  
)  
Filed: May 25, 1999 ) Examiner: Melanie Jagannathan  
)  
For: METHOD FOR DYNAMIC ) Confirmation No. 1443  
PERFORMANCE )  
OPTIMIZATION IN A )  
DATA-OVER-CABLE SYSTEM )

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Technology Center 2600

TRANSMITTAL LETTER

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In regard to the above identified application,

1. I am transmitting herewith the attached:
  - a) Response to Office action;
  - b) One return receipt postcard;
2. With respect to fees:
  - a) A check in the amount of \$402.00 is enclosed.
  - b) Please charge any underpayment or credit any overpayment to Deposit Account, No. 13-2490.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 13, 2004.

Respectfully submitted,

Robert J. Irvine III

Reg. No. 41,865

Date: July 13, 2004